

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

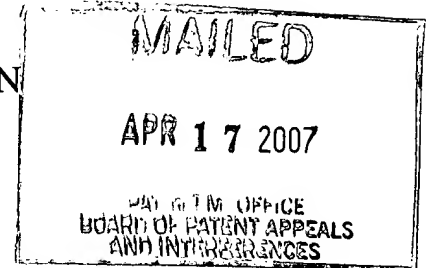
---

Ex parte SCOTT N. CHRISTENSEN

---

Application No. 09/315,822

---



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

---

This application was received electronically at the Board of Patent Appeals and Interferences on January 16, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On January 23, 2004, an Information Disclosure Statement (IDS) was filed. A review of the Image File Wrapper reveals that the examiner has not considered the IDS. According to MPEP § 609 which states:

“ . . . The Examiner must also fill in his or her name and the date the information was considered in blocks at the bottom of the PTO-1449 or PTO/SB/08A and 08B form.”

On January 23, 2006, appellant filed an Appeal Brief. A review of the file reveals that claims 1, 11 and 16 in the appendix of the Appeal Brief are not consistent as amended in the entered Amendment filed on September 23, 2005.

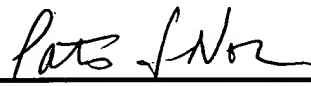
Appropriate correction required.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner:

- 1) consideration of the IDS submitted on January 23, 2004;
- 2) to hold the Appeal Brief of January 23, 2006 defective;
- 3) request applicant to file a substitute Appeal Brief in compliance with 37 CFR § 41.37;
- 4) for correction of the Claims Appendix; and
- 5) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
(571) 272-9797

Application No. 09/315,822

PJN/dal

cc: Pillsbury, Winthrop, Shaw and Pittman, LLP  
P.O. Box 10500  
McLean, VA 22102